

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

EAST BAY FLOORCOVERING, INC. on
behalf of itself and all others similarly situated,

Plaintiff,

v.

HICKORY SPRINGS MANUFACTURING
COMPANY, et. al.,

Defendants.

CASE NO. 4:10-cv-05045-DMR

CLASS ACTION

~~PROPOSED~~ ORDER FOR EXTENSION OF
TIME FOR CERTAIN DEFENDANTS TO
MOVE, ANSWER, OR OTHERWISE
RESPOND TO PLAINTIFF'S COMPLAINT

Assigned to the Honorable Magistrate Judge
Donna M. Ryu

PURSUANT TO the “Stipulation for Extension of Time for Certain Defendants to Move, Answer or Otherwise Respond to Plaintiff's Complaint,” filed by and between Plaintiff East Bay Floorcovering, Inc. (“Plaintiff”) and Defendants Hickory Springs Manufacturing Company, Valle Foam Industries, Inc., DomFoam International, Inc., The Carpenter Company, Woodbridge Sales & Engineering, Inc. (incorrectly sued as The Woodbridge Group), Flexible Foam Products, Inc., Foamex Innovations, Inc., Future Foam, Inc. (collectively “Defendants”), and good cause having been shown, the Court HEREBY ORDERS AS FOLLOWS:

Defendants shall not be required to move, answer, or otherwise respond to the individual Complaint filed in the above-entitled case;

~~PROPOSED~~ ORDER FOR EXTENSION OF TIME FOR CERTAIN DEFENDANTS TO MOVE, ANSWER, OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT

1 Upon transfer of the above-entitled case by the Judicial Panel on Multidistrict Litigation,
2 defendants shall have until forty-five (45) calendar days after the filing of a Consolidated and
3 Amended Complaint in the transferee court, and service of such Consolidated and Amended
4 Complaint upon defendants, to move, answer or otherwise respond to the Consolidated and Amended
5 Complaint;

6 If the above-entitled case is not transferred to the Northern District of Ohio, defendants shall
7 have until forty-five (45) calendar days after the entry of an order denying such transfer and
8 consolidation to move, answer or otherwise respond to the Complaint; and

9 Each of the Defendants who is subject to this Order shall be deemed served with the Complaint
10 in the above-entitled case and waives any objection(s) to the sufficiency of service of the Plaintiff's
11 Summons and Complaint in the above-entitled case upon entry of this Order.

12 **IT IS SO ORDERED**

13 DATED: December 16, 2010

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16 Donna M. Ryu
17 Magistrate Judge, United States District Court
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